

Message Text

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TO SECSTATE WASHDC IMMEDIATE 9380

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 10654

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E.O. 11652: GDS
TAGS: SHUM, BR
SUBJ: EMBASSY RECOMMENDATIONS FOR DEPARTMENT HUMAN RIGHTS
REPORT ON BRAZIL

REF: STATE 311747

BEGIN LIMITED OFFICIAL USE

1. EMBASSY RECOMMENDS FOLLOWING CHANGES/ADDITIONS TO DRAFT
HUMAN RIGHTS REPORT ON BRAZIL:

A. SECTION I, FIRST PARAGRAPH: ALTER LAST SENTENCE AND ADD
ONE SENTENCE, AS FOLLOWS: "LIBERALIZATION HAS BEEN REAL, BUT
GRADUAL IN THE FACE OF INCREASING ECONOMIC DIFFICULTIES AND
OPPOSITION FROM CONSERVATIVE ELEMENTS -- MOST NOTABLY WITHIN THE
VARIOUS SECURITY ORGANIZATIONS - WHO CITE A CONTINUING SECURITY
THREAT AS A BASIS FOR MAINTAINING RESTRICTIONS ON POLITICAL
FREEDOMS. THESE CONSERVATIVE ELEMENTS ALSO VIEW WITH CONCERN
THE RISE IN STRENGTH OF THE OFFICIALLY RECOGNIZED OPPOSITION
PARTY, PERCEIVING IN THIS TREND A THREAT TO THE MAINTENANCE OF
THE PRESENT SYSTEM OF GOVERNMENT."

B. SECTION I, SECOND PARAGRAPH, FIRST SENTENCE: ADD AFTER THE
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WORDS "CONGRESSIONAL ELECTIONS" THE WORDS, "THE FREEST IN BRAZIL
IN OVER A DECADE". ELIMINATE WORDS "OFFICIALLY RECOGNIZED".

C. SECTION I, SECOND PARAGRAPH, SECOND SENTENCE: CHANGE
SENTENCE TO READ, "THIS PAST NOVEMBER, THE GOVERNMENT PARTY
WON A MAJORITY OF THE MUNICIPALITIES IN ADDITION TO WINNING THE

OVERALL POPULAR VOTE BY A SUBSTANTIAL MARGIN; THE OPPOSITION PARTY RECEIVED MAJORITIES IN MOST OF THE JOR METROPOLITAN CENTERS."

D. SECTION I, THIRD PARAGRAPH, LAST SENTENCE: SUBSTITUTE FOR PHRASE "CLAIMS OF COMMUNIST INFILTRATION INTO STATE GOVERNMENTS AND MILITIAS" THE FOLLOWING PHRASE: "CLAIMS OF COMMUNIST ATTEMPTS TO REORGANIZE THE PARTY AND TO INFILTRATE BRAZILIAN INSTITUTIONS."

E. SECTION I, FOURTH PARAGRAPH, LAST SENTENCE: ALTER END OF SENTENCE TO READ " AND REPORTS OF ABUSE OF POLITICAL PRISONERS IMMEDIATELY DECLINED SHARPLY."

F. SECTION II, SECOND PARAGRAPH, LAST SENTENCE, IN PARENTHESIS: SUBSTITUTE FOLLOWING SENTENCE: "(DURING THE GEISEL ADMINISTRATION, IA-5 AUTHORITY IN THE MAJORITY OF INSTANCES HAS BEEN USED TO PUNISH CORRUPTION, RATHER THAN ONPOLITICAL GROUNDS; FIVE PERSONS -- ALL OF THEM OPPOSITION PARTY STATE OR FEDERAL LEGISLATORS-- HAVE HAD MANDATES CASSATED FOR EVIDENT IDEOLOGICAL REASONS.)"

G. SECTION III, ARTICLE 3: APPEND TO END OF SENTENCE THE FOLLOWING PHRASE: "ALTHOUGH REPORTS OF INCIDENTS INVOLVING ABUSE OF POLITICAL DETAINEES HAVE FALLEN OFF VERY SHARPLY THIS YEAR."

H. SECTION III, ARTICLE 5, FIRST PARAGRAPH, FIRST SENTENCE: APPEND TO END OF SENTENCE AFTER "PUNISHMENT," THE WORDS: "IN EARLIER YEARS."
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I. SECTION III, ARTICLE 5, FIRST PARAGRAPH, FOURTH SENTENCE: ELIMINATE WORDS "JUDICIAL INDICTMENTS AND".

J. SECTION III, ARTICLE 5, FIRST PARAGRAPH, LAST SENTENCE: PRECEDING THE PHRAISE "FEW CHARGES OF ABUSE HAVE ARISEN," ADD THE WORD "VERY", SO AS TO READ "VERY FEW CHARGES OF ABUSE ETC."

K. SECTION III, ARTICLE 5, SECOND PARAGRAPH: ALTER PARAGRAPH TO READ AS FOLLOWS: "VARIOUS KINDS OF POLICE ABUSES NOT INVOLVING POLITICAL DETAINEES, INCLUDING "DEATH SQUAD" ACTIVITIES (A FORM OF POLICE VIGILANTISM WHICH ORIGINATED IN RIO DE JANEIRO AND SPREAD ELSEWHERE IN THE LATE 1960S), HAVE CONTINUED UNABATED, DESPITE GOVERNMENT COUNTERMEASURES. THE "DEATH SQUADS" BELIEVED TO BE CLANDESTINE ASSOCIATIONS OF OFF-DUTY POLICEMEN, PREY MOSTLY ON COMMON CRIMINALS AND SUSPECTS; THEIR VICTIMS SHOW EVIDENCE OF TORTURE. A NUMBER OF THE CASES APPEAR TO HAVE INVOLVED CRIMINAL RIVALRY BETWEEN THOSE MURDERED AND CORRUPT

ELEMENTS WITHIN THE POLICE FORCE, AND HAVE BEEN THE SUBJECT OF GOVERNMENT INVESTIGATIONS AND PROSECUTIONS."

L. SECTION III, ARTICLE 5, THIRD PARAGRAPH, FIRST SENTENCE:
QUALIFY THE WORD "CONSERVATIVE" BY BEGINNING THE SENTENCE WITH THE WORDS "CERTAIN RADICAL CONSERVATIVE ELEMENTS..."

M. SECTION III, ARTICLE 5, THIRD PARAGRAPH, LAST SENTENCE:
ALTER END OF SENTENCE TO READ, "BOMBINGS DIRECTED AGAINST THE MEDIA, THE BRAZILIAN BAR ASSOCIATION, AND THE RIO DE JANEIRO OFFICE OF THE NATIONAL COMMISSION OF BRAZILIAN BISHOPS."

N. SECTION III, ARTICLE 5, FOURTH PARAGRAPH: ALTER PARAGRAPH TO READ: "OTHER MEMBERS OF THE CATHOLIC CLERGY HAVE BEEN THE VICTIMS IN RECENT MONTHS OF ACTIONS ATTRIBUTABLE TO GOVERNMENT AUTHORITIES: A PRIEST WHO PROTESTED THE TORTURE OF A WOMAN WHO WAS MURDERED BY SEVERAL STATE POLICE OFFICERS (THE LATTER WERE PROMPTLY EXPELLED FROM THE FORCE AND PLACED UNDER ARREST);
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AND THE ARMY TEMPORARILY DETAINED AND INTERROGATED A PRIEST SUSPECTED OF INCITING A SQUATTER-POLICE CONFRONTATION IN THE AMAZON. (ONE CHURCH ORGANIZATION LATER CLAIMED THE PRIEST WAS TORTURED, A REPORT CHALLENGED BY AN ARCHBISHOP WHO HAD SPOKEN WITH THE PRIEST IN JAIL AND WHO SAID HE HAD BEEN TOLD BY THE LATTER THAT NO PHYSICAL MISTREATMENT HAD OCCURRED; THE FEDERAL GOVERNMENT VEHEMENTLY AND FORMALLY DENIED THE CHARGE OF TORTURE.) IN A RECENT PASTORAL LETTER, THE NATIONAL COMMISSION OF BRAZILIAN BISHOPS DENOUNCED EXTREMIST ATTACKS, POLICE VIOLENCE, AND GOVERNMENT CENSORSHIP OF A LOCAL CHURCH NEWSPAPER AND OF PUBLIC STATEMENTS BY A CONTROVERSIAL ARCHBISHOP. THE COMMISSION CALLED ON THE GOVERNMENT TO TAKE EFFECTIVE CORRECTIVE ACTIONS."
END LIMITED OFFICIAL USE AND BEGIN CONFIDENTIAL. PLEASE NOTE THAT OUR DELETION OF THE WORD "DIRECTLY" FROM THE PHRASE "DIRECTLY ATTRIBUTABLE" IN THE FIRST

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 INR-07 SS-15 SP-02 L-03 SY-05

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C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 10654

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SENTENCE IS INTENTIONAL. TAKEN IN CONJUNCTION WITH THE PREVIOUS PARAGRAPH, USE OF THE WORD WOULD IMPLY GOVERNMENT PARTICIPATION IN ACTIVITIES BY THE AAB -- SOMETHING WHICH HAS NOT BEEN DEMONSTRATED BY EVIDENCE AND MUST BE DISTINGUISHED FROM THE GOVERNMENT'S APPARENT RELUCTANCE TO PROBE AAB ACTIVITIES TOO DEEPLY. END CONFIDENTIAL AND RESUME LIMITED OFFICIAL USE.

O. SECTION III, ARTICLE 8: ALTER SENTENCE TO READ: "ALTHOUGH IN MOST CASES POLITICAL DETAINEES HAVE EVENTUAL ACCESS TO LEGAL COUNSEL AND TO THE MILITARY COURT SYSTEM (BOTH TRIAL AND APPELLATE), EFFECTIVE LEGAL REDRESS FOR VIOLATIONS OF THEIR RIGHTS, PRINCIPALLY IN THE INITIAL PHASES OF ARREST AND DETENTION, IS VERY OFTEN UNAVAILABLE TO THEM."

P. SECTION III, ARTICLE 11, SECOND SENTENCE, APPEND TO END OF SENTENCE FOLLOWING PARENTHETICAL REMARK: "(THOSE MAJOR CASES BROUGHT TO TRIAL THIS YEAR HAVE ENDED IN THE ACQUITTAL OF A LARGE PROPORTION, AND PROBABLY A MAJORITY, OF THE DEFENDANTS --AT EITHER THE TRIAL OR APPELLATE STAGE.)"

Q. SECTION III, PART B, FIRST PARAGRAPH, SECOND SENTENCE: ADD TO END OF SENTENCE, AFTER THE PHRASE "DISCRIMINATION DOES ESIST", THE FOLLOWING TERMINAL CLAUSE: "WITHIN THE SOCIETY."
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R. SECTION III, PART B, SECOND PARAGRAPH: ALTER PARAGRAPH TO READ AS FOLLOWS: "WITH THE EXCEPTION OF AN INDIRECT TAX DESIGNED TO DISCOURAGE INTERNATIONAL TRAVEL FOR BALANCE OF PAYMENT REASONS, AND OF RESTRICTIONS ON TRAVEL TO INDIAN RESERVATIONS DICTATED LARGELY BY ECONOLGICAL AND DISEASE CONTROL CONCERNS, THE GOVERNMENT HAS NOT PLACED SIGNIFICANT RESTRICTIONS ON MOVEMENT INTO, OUT OF, OR WITHIN THE COUNTRY. IN THE CASE OF THOSE RESTRICTI- TIONS THAT HAVE BEEN IMPOSED ON GROUNDS OF NATIONAL SECURITY OR THE PROTECTION OF NATIONAL TERRITORY, THE NUMBER OF INDIVIDUALS AFFECTED HAS BEEN SMALL. THERE ARE CASES WHERE DENIALS OF PASSPORTS BY THE FOREIGN MINISTRY HAVE BEEN SUCCESSFULLY APPEALED IN THE COURTS."

S. SECTION III, PART B, LAST PARAGRAPH, SECOND SENTENCE: INSERT
AFTER WORDS "WITHIN BRAZIL" THE FOLLOWING CLAUSE: "IN THE
LEGISLATURE AS WELL AS IN THE PRESS ..."

2. NO CHANGES PROPOSED TO SECTION IV.
END LIMITED OFFICIAL USE: BEGIN CONFIDENTIAL.

3. EMBASSY CONCURS WITH SECTION I, FOURTH PARAGRAPH, FIRST
SENTENCE, AS ACCURATELY PORTRAYING THE CAUSAL SEQUENCE WHICH LEAD
TO REMOVAL OF THE II ARMY COMMANDER. HOWEVER, DEPARTMENT MAY
WISH TO NOTE FOR ITS OWN FUTURE REFERENCE THAT THE
TWO DEATHS CITED (WHICH REFER TO THE CASES OF V. HERZOG IN
OCTOBER 1975 AND OF M. FIEL FILHO IN JANUARY 1976) WERE PRECEDED
BY TWO MUCH LESS PUBLICIZED DEATHS OF PRISONERS IN DOI CUSTODY:
JOSE FERREIRA DE ALMEIDA IN AUGUST 1975 AND JOSE DE ANDRADE
NETO IN SEPTEMBER 1975. THE LATTER TWO WERE ARRESTED IN
CONNECTION WITH AN INVESTIGATION OF COMMUNIST INFILTRATION
WITHIN THE SAO PAULO STATE MILITARY POLICE.
THE DEATHS OF BOTH MEN ARE REFERRED TO IN AMNESTY
INTERNATIONAL AND ICJ REPORTS. END CONFIDENTIAL
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